

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, ) CRIM. NO. 04-30032-MAP  
)  
vs. )  
)  
FRANCIS G. KEOUGH, et al., )  
)  
Defendant. )

MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION TO  
DEFENDANT MICHAEL HALLAHAN'S PRE-TRIAL MOTION

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Steven H. Breslow, Assistant United States Attorney, hereby files the instant Motion For Extension Of Time To File Opposition To Defendant Michael Hallahan's Pre-Trial Motion.

1. Following an extensive investigation, the defendant Michael Hallahan ("Hallahan") has been charged in a second superseding indictment, filed January 12, 2006, with one count each of conspiracy and mail fraud.

2. I am pursuing plea negotiations with Hallahan's counsel, who has consented to the granting of the instant motion for an extension of time.

3. The indictment also charges Hallahan's co-defendants Francis G. Keough and Angel T. Guzman with these and other

offenses. I expect Guzman (who has not filed any motions) to plead guilty and intend to pursue plea negotiations with Keough, who has filed his own pre-trial motions.<sup>1</sup>

4. The discovery in this case is voluminous and includes thousands of pages of documents.

5. The prosecutor originally responsible for this case left the United States Attorney's Office in early September, 2006.

6. After being assigned responsibility for this case, I filed a Notice of Appearance on September 26, 2006. However, at that time, in addition to many other pending cases and investigations, I was entirely engaged in the trial of United States v. Peter Davis, CR-04-30033 (MAP), a five-week racketeering trial that ended on October 17, 2006.

7. One day after I filed my notice of appearance, on September 27, 2006, counsel for Keough filed numerous discovery and substantive motions, and counsel for Hallahan filed one Motion to Sever Defendants (Docket Entry 116).

8. By Order dated October 4, 2006, Magistrate Judge Neiman scheduled the government's opposition to these motions to be filed on November 13, 2006, scheduled a pre-trial conference to

---

<sup>1</sup> The government's parallel motion to extend time to respond to Keough's pre-trial motions (Docket Entry 143) that was filed today incorrectly stated that Hallahan (rather than Guzman) had not filed any pre-trial motions.

be held before District Judge Ponsor on November 30, 2006, and excluded speedy trial time from October 25, 2006 to November 30, 2006. As of November 30, 2006, zero days will have run on the speedy trial clock. No hearing date has been set for any of the pre-trial motions.

9. The government respectfully requests that the Court extend the date for filing its opposition to Hallahan's motion until November 30, 2006, when the pre-trial conference is scheduled to be held. I have discussed this request with counsel for Hallahan, who has consented to the extension of time.

10. I request the extension for the following reasons: (1) until October 17, 2006, I was entirely engaged in the racketeering trial of United States v. Peter Davis; (2) I have had no prior involvement in the investigation or prosecution of the instant case; (3) the instant case is highly complex, involving 50 charges, dozens of witnesses, and thousands of pages of documents; (4) the instant motions brought by Hallahan and Keough involve complex issues of fact and law that require thorough briefing to aid the Court in an appropriate decision; (5) I have not had an opportunity to familiarize myself with the issues presented by the motions; (6) on November 7-9, 2006, I will be unavailable due to a mandatory prosecution training in Boston; (7) several of the instant motions are discovery motions, suggesting that the case is not yet ready for presentation to the

District Court; and (8) counsel for Hallahan and I have been engaging in plea discussions in an attempt to resolve the case.

11. To the extent possible, I will file opposition to Hallahan's motion in advance of the requested deadline.

12. For the foregoing reasons, the government respectfully requests that the Court extend the time for the date for filing its opposition to Hallahan's motion until November 30, 2006.

Filed this 3rd day of November, 2006.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

          /s/ Steven H. Breslow            
STEVEN H. BRESLOW  
Assistant United States Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts  
November 3, 2006

I, Steven H. Breslow, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing motion by ECF to:

Daniel D. Kelly, Esq.  
101 State Street, Suite 715  
Springfield, MA 01103  
Counsel for Francis G. Keough

Lori H. Levinson, Esq.  
Cain, Hibbard, Myers & Cook  
66 West Street  
Pittsfield, MA 01201  
Counsel for Angel T. Guzman

Michael L. Foy, Esq.  
935 Main Street  
Springfield, MA 01103  
Counsel for Michael P. Hallahan

/s/ Steven H. Breslow  
STEVEN H. BRESLOW  
Assistant United States Attorney